

**TIPPECANOE COUNTY BOARD OF COMMISSIONERS**  
**REGULAR MEETING**  
**January 2, 2007**

The Tippecanoe County Commissioners met on Tuesday, January 2, 2007 at 10:00 A.M. in the Tippecanoe Room in the County Office Building. Commissioners present were: President John L. Knochel, Vice President Ruth E. Shedd, and Member KD Benson. Also present were: Auditor Jennifer Weston, Commissioners' Assistant Frank Cederquist, County Attorney David W. Luhman, and Secretary Jennifer Prange.

President Knochel called the meeting to order and led the Pledge of Allegiance.

***ELECTION OF OFFICERS***

Attorney Luhman opened the floor for nominations of President.

- Commissioner Shedd nominated KD Benson to serve as President for 2007, seconded by Commissioner Knochel.
- Commissioner Shedd moved to close nominations, seconded by Commissioner Knochel; motion carried.
- The motion to elect KD Benson President carried.

Attorney Luhman opened the floor for nominations for Vice President.

- Commissioner Knochel nominated Ruth Shedd to serve as Vice President for 2007. Commissioner Benson nominated John Knochel. Two nominations were presented for Vice President.
- Attorney Luhman closed the nominations.
- John Knochel voted for Ruth Shedd. KD Benson and Ruth Shedd voted for John Knochel. Two votes for John Knochel. Motion carried to elect John Knochel as Vice President for 2007.

***APPROVAL OF MINUTES***

- Commissioner Knochel made a motion to approve minutes of the December 18, 2006 and the December 27, 2006 Regular Meetings as distributed, seconded by Commissioner Shedd; motion carried.

***RESOLUTION 2007-01-CM; Establishing Regular Meeting Dates***

Resolution 2007-01-CM will appear in its entirety in the Ordinance and Resolution Book in the County Auditor's Office.

- Commissioner Knochel moved to approve Resolution 2007-01-CM, seconded by Commissioner Shedd; motion carried.

***RESOLUTION 2007-02-CM; 2007 Appointments***

Resolution 2007-02-CM will appear in its entirety in the Ordinance and Resolution Book in the County Auditor's Office.

Attorney Luhman presented Exhibit A; Appointment to Positions and Exhibit B; Appointments to Various Boards, Commissions and Councils.

- Commissioner Knochel made motion to approve Appointments as written; Commissioner Shedd seconded. Motion carried.

Commissioner Benson added that appointments are made by Commissioners assigning themselves to various boards. Commissioner Knochel presented appointments for all Commissioners.

KD Benson will serve on these boards: Area Plan Commission, Cary Home Advisory Board, Convention & Visitors Bureau, Drainage Board, GIS Policy Committee, Juvenile Justice Commission, MITS Advisory Board, Wabash River Enhancement Corporation, Wabash River Parkway Commission and Wildcat Creek Solid Waste District.

Ruth Shedd will serve on these boards: Area Plan Commission, Community Corrections Advisory Board, Drainage Board, Emergency Management Advisory Council, LEPC, MITS Advisory Board, Wildcat Creek Solid Waste District and Child Protective Team.

John Knochel will serve on these boards: Drainage Board, Hoosier Heartland Corridor, MITS Advisory Board, Redevelopment Commission, Security Committee, Solid Waste Advisory Board, TERF Board, Lafayette Housing Consortium and Wildcat Creek Solid Waste.

- Commissioner Knochel made a motion to approve assignments as read; Commissioner Shedd seconded. Motion carried.

***CONTRACT: Legal Services: Hoffman, Luhman & Masson***

A contract was presented to the Board of Commissioners by Attorney Luhman. Attorney Luhman stated that the contract is the same as last year with one addition. Attorney Luhman is requesting a reserved parking space in the County garage.

- Commissioner Knochel moved to approve the contract between the Tippecanoe County Commissioners and Hoffman, Luhman & Masson P.C. with the addition of a parking space; Commissioner Shedd seconded. Motion carried.

***ORDINANCE 2006-31-CM; Area Plan Commission Fees; Second Reading***

Ordinance 2006-31-CM will appear in its entirety in the Ordinance and Resolution Book in the County Auditor's Office.

- Commissioner Knochel moved to approve Ordinance 2006-31-CM; Commissioner Shedd seconded. Motion carried.

Attorney Luhman briefly read ordinance information. Attorney Luhman noted that this ordinance establishes a standard fee ordinance for the APC to include fees charged by Commissioners for copies of maps, ordinances, copies of plans, cemetery maps, signs and filing fees.

Auditor Weston recorded the vote:

Ruth Shedd     Yes  
John Knochel   Yes  
KD Benson     Yes

- Ordinance 2006-31-CM passes 3-0 on second reading.

***UZO AMENDMENT #53, ORDINANCE 2007-01-CM***

Ordinance 2007-01-CM will appear in its entirety in the Ordinance and Resolution Book in the County Auditor's Office.

- Commissioner Knochel moved to hear and approve UZO Amendment #53, Ordinance 2007-01-CM, seconded by Ruth Shedd.

(quote)

December 21, 2006  
Ref No 06-613

Tippecanoe County Commissioners  
20 N 3<sup>rd</sup> Street  
Lafayette IN 47901

**CERTIFICATION**

**RE:     UZO AMENDMENT#53**

An amendment which includes changes to several sections of the ordinance regarding 2 issues: ready-mixed concrete batch plants and permitting limited brunch or tea service to the public as part of the operation of a bed and breakfast.

As Secretary to the Area Plan Commission of Tippecanoe County, I do hereby certify that at a public hearing held on December 20, 2006, the Area Plan Commission of Tippecanoe County voted 13 yes -0 no on the motion to approve the enclosed amendment to the Unified Zoning Ordinance. Therefore, the Area Plan Commission of Tippecanoe County recommends to the Tippecanoe County Commissioners that the proposed zoning ordinance amendment be approved.

Sincerely,

/s/Sallie Dell Fahey  
Executive Director

(unquote)

This amendment includes changes to several sections of the ordinance regarding two issues: ready mixed concrete batch plants and permitting limited brunch or tea service to the public as part of the operation of a bed and breakfast.

Auditor Weston recorded the vote:

Ruth Shedd     Yes  
John Knochel   Yes  
KD Benson     Yes

- The motion to approve Ordinance 2007-01-CM passes 3-0.
- Commissioner Knochel moved to hear and approve Rezone Z-2310 Fairway Knolls Apts, LLC Phase 2. Commissioner Shedd seconded.

(quote)

December 20, 2006  
Ref. No.: 06-624

Tippecanoe Commissioners  
20 N 3<sup>rd</sup> Street  
Lafayette, IN 47901

### **CERTIFICATION**

**RE:     Z -2310-FAIRWAY KNOLLS, LLC, PHASE II**  
(Fairway Knolls Planned Development) (OR to PDRS):  
Petitioner, Gary Schroeder and Greg Milakis are  
requesting rezoning from OR to PDRS for an expansion  
of Fairway Knolls apartments consisting of 2 new  
buildings; one 2-story and one 3-story with a total of 31  
units containing 66 bedrooms. The project is located at  
1395 Neil Armstrong Drive on the former State Police  
Post site, Wabash 12 (NE) 23-5CONTINUED FROM  
THE NOVEMBER 15<sup>th</sup> APC MEETING.

Dear County Commissioners:

As Secretary to the Area Plan Commission of Tippecanoe County, I do hereby certify that at a public hearing held on December 20, 2006, the Area Plan Commission of Tippecanoe County voted 11 yes - 0 no on the motion to rezone the subject real estate from OR to PDRS. Therefore, the Area Plan Commission of Tippecanoe County recommends to the Tippecanoe County Commissioners that the proposed rezoning ordinance be APPROVED for the property described in the attachment, contingent on meeting all requirements of UZO 2-27-10 for submission of Final Detailed Plans, signed of by those noted in that section to include:

1. All sheets (other than preliminary plat) that make up the approved Preliminary Plan;

2. PD construction plans per UZO Appendix B2-2;
3. A final plat per UZO Appendix B-3-2 as applicable;
4. Appropriate performance bonds submitted with final detailed plans
5. A "No Vehicular Access" statement platted along the street right-of-way lines of the lot between the approved driveways;
6. Plant schedule approved by the West Lafayette Greenspace Administrator;
7. Correct parking figures on sheet 2 of 9 to read "68 spaces";
8. Construction plans for the project shall include a connector sidewalk and concrete pad for pedestrians to access the existing bus stop. This sidewalk will serve to connect the parking lot south of Palmer Dr. to Neil Armstrong Dr. and then continue on the East side of Neil Armstrong Dr. to the west edge of US 231, approximately where the existing bus stop is located. At or near the bus stop location, a concrete pad will be constructed which will allow for future bus shelter to be installed by CityBus. This plan is contingent on INDOT approval. Should approval not be given a new and similar sidewalk plan will be developed which enhances pedestrian safety and connectivity to an equal degree;
9. Complete the application for annexation of Lots 1 & 2 of Hoadley Subdivision into the City of West Lafayette.

Public Notice has been given that this petition will be heard before the Tippecanoe County Commissioners at their January 2, 2007 regular meeting. Petitioners or their representatives must appear to present their case.

Sincerely,

/s/Sallie Dell Fahey  
Executive Director

(unquote)

Paul Coutts of C&S Engineering spoke on behalf of petitioners. Mr. Coutts pointed out that this property was a small site with a very odd shape and feels that this is a good use of the land. The plans for the petitioners are to build a 2-story building and a 3-story building. Commissioner Shedd inquired about annexation of this property. Petitioners do have consents from Faith Baptist Church (owners of the State Police Post Building and the garage) and Holdley Communications for annexation.

Auditor Weston recorded the vote:

Ruth Shedd	Yes
John Knochel	Yes
KD Benson	Yes

- The motion to approve Ordinance 2007-02-CM passes 3-0.
- Commissioner Knochel moved to hear and approve Rezone Z-2312, Glen L. Stockment (A TO R1), Ordinance 2007-03-CM. Seconded by Commissioner Shedd.

(quote)

December 21, 2006  
Ref. No.: 06-626

Tippecanoe County Commissioners  
20 N 3<sup>rd</sup> Street  
Lafayette, IN 47901

**CERTIFICATION**

**RE: Z-2312 – GLEN L. STOCKMENT (A to R1):**  
Petitioner, with consent of owners, is requesting rezoning of a 5.986 acre tract (comprised of a 2.527 acre parcel from P86-12 combined with a 3.459 acre Exemption E tract) in order to subdivide the property into 2 lots on property located at the southwest corner of CR 400 W and Brynteg, Wabash 4 (NE) 23-5. CONTINUED FROM THE NOVEMBER 15<sup>TH</sup> APC MEETING.

Dear County Commissioners:

As Secretary to the Area Plan Commission of Tippecanoe County, I do hereby certify that at a public hearing held on December 20, 2006, the Area Plan Commission of Tippecanoe County voted 12-yes 0-no on the motion to rezone the subject real estate from A to R1. Therefore, the Area Plan Commission of Tippecanoe County recommends to the Tippecanoe County Commissioners that the proposed rezoning ordinance be APPROVED for the property described in the attachment.

Public Notice has been given that this petition will be heard before the Tippecanoe County Commissioners at their January 2, 2007 regular meeting. Petitioners or their representatives must appear to present their case.

Sincerely,

/s/Sallie Dell Fahey  
Executive Director

(unquote)

Glen Stockment spoke regarding the rezone request. The petitioner made note that the parcelization was exhausted. Petitioner is requesting a rezone in order to obtain a building permit. Commissioner Benson asked petitioner if there were any vacant lots in this parcelization. Mr. Stockment is aware of one other lot open on the original parcelization but felt it was unlikely to be built on.

Auditor Weston recorded the vote.

Ruth Shedd	Yes
John Knochel	Yes
KD Benson	Yes

- The motion to approve Ordinance 2007-03-CM passes 3-0.
- Commissioner Knochel moved to hear and approve Rezone Z-2317 Westland, LLC (AA to I3), Ordinance 2007-05-CM. Commissioner Shedd.

(quote)

December 21, 2006  
Ref. No.: 06-630

### **CERTIFICATION**

**RE:       Z-2317- Westland, LLC (AA to I3):**  
Petitioner is requesting rezoning of 2 tracts, one of 3.19 Acres and a second tract of 0.114 acres located on the South side of SR 28, ½ mile west of US 231, more Specifically at 601 SR 28 W, northwest of the Unincorporated town of Romney, in Randolph 19 (NW) 21-4.

As Secretary to the Area Plan Commission of Tippecanoe County, I do hereby certify that at a public hearing held on December 20, 2006, the Area Plan Commission of Tippecanoe County voted 12 yes - 0 no on the motion to rezone the subject real estate from AA to 13. Therefore, the Area Plan Commission of Tippecanoe County recommends to the Tippecanoe County Commissioners that the proposed rezoning ordinance be APPROVED for the property described in the attachment.

Public Notice has been given that this petition will be heard before the Tippecanoe County Commissioners at the January 2, 2007 regular meeting. Petitioners or their representatives must appear to present their case.

Sincerely,  
/s/Sallie Dell Fahey  
Executive Director

(unquote)

Jeff Troike from Westland, LLC spoke on behalf of petitioner. Petitioner is requesting rezoning for two small parcels. This property was a fertilizer facility until consolidation in 2001. The petitioner would like to build a petroleum bulk plant to meet new regulations effective October 2007.

Auditor Weston recorded the vote:

Ruth Shedd	Yes
John Knochel	Yes
KD Benson	Yes

- The motion to approve Ordinance 2007-05-CM passes 3-0.

- Commissioner Knochel moved to hear and approve Rezone Z-2318, Ordinance 2007-06-CM. Commissioner Shedd seconded.

(quote)

December 21, 2006  
Ref. No.: 06-631

Tippecanoe County Commissioners  
20 N. 3<sup>rd</sup> Street  
Lafayette, IN 47901

### **CERTIFICATION**

**RE: Z-2318 – FRED M. & ANDREA D. KUIPERS  
(Meadowgate Estates, Section 3) (A to RE):**  
Petitioners are requesting rezoning of 11.37 acres for a proposed addition of five lots within Meadowgate Estates, Section 3, located on the east side of Shootingstar Lane, north of CR 500 N, ½ mile west of SR 43 N, in Tippecanoe 28 (SW) 24-4.

Dear Commissioners:

As Secretary to the Area Plan Commission of Tippecanoe County, I do hereby certify that at a public hearing held on December 20, 2006, the Area Plan Commission of Tippecanoe County voted 12 yes – 0 no on the motion to rezone the subject real estate from A to RE. Therefore, the Area Plan Commission of Tippecanoe County recommends to the Tippecanoe County Commissioners that the proposed rezoning ordinance be APPROVED for the property described in the in the attachment.

Public Notice has been given that this petition will be heard before the Tippecanoe County Commissioners at their January 2, 2007 regular meeting. Petitioners or their representatives must appear to present their case.

Sincerely,  
/s/Sallie Dell Fahey  
Executive Director

(unquote)



Paul Coutts spoke on behalf of the petitioners. The petitioners are requesting rezone in order to fill in 5 remaining lots in this subdivision.

Auditor Weston recorded the vote:

Ruth Shedd	Yes
John Knochel	Yes
KD Benson	Yes

- The motion to approve Ordinance 2007-06-CM passes 3-0.

#### ***AMENDMENT TO PARKING GARAGE AGREEMENT***

An Amendment to the Parking Garage Management Agreement between Denison & Tippecanoe County was presented. Amendment calls for a 3% increase in Management fee with a total of \$4725.00 per month. Amendment is only for 2007 with the same terms.

- Commissioner Knochel moves to approve Amendment to Parking Garage Management Agreement. Commissioner Shedd seconded. Motion carries.

#### ***UNFINISHED/NEW BUSINESS***

A Conflict of Interest statement was presented to the County Commissioners. Auditor Weston disclosed the fact that she is part owner of Loe Electric Company. This company has done work in the past for the Maintenance & MITS departments.

Frank Cederquist presented four payable vouchers to be approved. These vouchers include petty cash for Treasurer, Auditor and Recorder; as well as tax revenue disbursements and utilities.

- Commissioner Shedd move to approve accounts payable vouchers without any exceptions. Commissioner Knochel seconded. Motion carries.

Commissioner Benson welcomed the new Auditor and new Sheriff and all new staff and Elected Officials.

#### ***REPORTS***

Parks & Recreation, Veteran's Services and the Treasurer's report will be on file.

#### ***PUBLIC COMMENT***

None.

#### ***ADJOURNMENT***

President Benson announced the meeting was adjourned.

**BOARD OF COMMISSIONERS OF  
THE COUNTY OF TIPPECANOE**

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KD Benson, President

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John L. Knochel, Vice President

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Ruth E. Shedd, Member

**ATTEST:**

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Jennifer Weston, Auditor